IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 17893 of 1993

Between:

Smt. I.Lakshmi Devi, W/o. Sri S.Venkateswara Rao,
aged about 39 years, R/o. Hyderabad.

..... PETITIONER

AND

Visakhapatnam Urban Development Authority,

rep., by its Vice Chairman, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or direction, a Writ more particularly a Writ in the nature of Writ of Mandamus directing the respondent to allot a plot in VUDA Layout in Madhurawada Village, Visakhapatnam at the price at which my land was acquired under award No.4 of 1989, dt.18.3.1989 by the respondent.

Counsel for the Petitioner: MR.C.V.BHASKAR REDDY

Counsel for the Respondent: MRS.SUMALINI REDDY

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The grievance of the petitioner is that though she was allotted a plot bearing No.H.I.G.1159 of an extent of 355.56 square yards, VUDA layout, situate at Madhurawada, Visakhapatnam, in lieu of acquisition of her plot of an extent of 230 square yards, which is adjacent to the said VUDA layout, the same has not been handed over to her.

3. It appears that the petitioner had purchased a plot of 311 square yards, which is adjacent to the VUDA layout at Madhurawada, Visakhapatnam. For the purpose of laying a road, an extent of 230 square yards of land of the petitioner had been acquired by the VUDA and compensation was fixed @ Rs.30/- per square yard. This was done in the year 1989. Subsequently, the petitioner had filed a writ petition in W.P.No.12179 of 1989 before this Court challenging

the said acquisition. In that writ petition, an undertaking was given by the respondent that the VUDA would consider the case of the petitioner for allotment of another plot in Madhurawada layout and adhering to the said undertaking, a plot bearing No.H.I.G.1159 of an extent of 355.56 square yards has already been allotted to the petitioner.

4. Smt.Sumalini Reddy, the learned Standing Counsel appearing on behalf of the VUDA, submits that the layout in which the VUDA has allotted a plot to the petitioner for a price of Rs.420/- per square yard is well developed, whereas the plot owned by the petitioner, which was acquired by the VUDA, was not an approved layout and was not much developed also. However, consequent to the undertaking given by the VUDA before this Court, in the earlier writ petition, that they would consider the case of the petitioner for allot of another plot, the VUDA has allotted the said plot, of course, for a reasonable price fixed at Rs.420/- per square yard.

5. It could be seen from the above that the price fixed by the VUDA for the land belonging to the petitioner, which was acquired, was less and the price fixed by the VUDA for the land allotted to the petitioner was relatively much higher. However, having regard to the fact that the VUDA layout at Madhurawada, Visakhapatnam, wherein the petitioner was allotted another plot is in a well developed locality, I do not find any unreasonableness in fixing the price.

6. Therefore, I do not find any unreasonableness or arbitrariness in the action of the respondent in allotting the plot bearing No.H.I.G.1159, VUDA layout at Madhurawada, Visakhapatnam, to the petitioner at a price of Rs.420/- per square

yard.

7. At this juncture, the learned counsel appearing on behalf of the petitioner, on instructions, submitted that the petitioner is willing and prepared to pay the price in respect of the plot allotted to her by the VUDA, provided the price is reduced by the VUDA at least marginally.

8. Hence, having considered the aforesaid submission regarding the willingness of the petitioner to own the plot bearing No.H.I.G.1159 of an extent of 355.56 square yards, in VUDA layout at Madhurawada, Visakhapatnam, suffice it to reduce and fix the rate of the said land per square at Rs.415/- (which this Court feels it as the reasonable reduction.).

9. However, it is needless to mention that the amount that is to be payable by the VUDA to the petitioner towards compensation for the land of the petitioner, which was acquired, shall be computed in full together with all statutory benefits, and the amount so comprehensively arrived at by the VUDA shall be given credit to while fixing the amount ultimately payable by the petitioner to the first VUDA in respect of allotment of plot bearing No.H.I.G.1159, VUDA layout at Madhurawada, Visakhapatnam, subject, however to the condition of the petitioner furnishing a written undertaking to the first VUDA that she will not seek any reference under Sectin-18 of the Land Acquisition Act to the Civil Court for determination of compensation payable to her in respect of her land, which was acquired by the first VUDA in view of the final settlement arrived at by virtue of this order.

10. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

D.S.R.VARMA, J

28TH OCTOBER 2004

KRK

To:

1.The Vice-Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam.

2.Two C.D. copies.